

The portion of the Brunswick Subdivision Regulations, which is applicable to this situation, is set forth in Article VII, Section 7.2 and provides as follows:

When a proposed subdivision includes or abuts streets designated on the Comprehensive Plan or County Comprehensive Development Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned or platted roads. Such dedication to public use shall be to the full extent of the right-of-way as required in the Comprehensive Plan except where the right-of-way to be dedicated is greater than a collector street, then a reservation of land to meet the right-of-way standards may be required. (Emphasis supplied.)

The above section of the Brunswick Subdivision Regulations is applicable to this case because the real property that was subdivided did abut the existing street known as 2nd Avenue and the Planning Commission was required to obtain by the owner's dedication a portion of land for the proper alignment of the 2nd Avenue right-of-way. (By the dedication of the 3,830 square foot parcel the right-of-way for 2nd Avenue could be extended to the full 50 foot width that exists as to other portions of said street.)

In this case, the plaintiffs asserted that the defendant dedicated the 3,830 square foot parcel of land between Lot 2A and 2nd Avenue to public use. That the plaintiffs applied for and received Zoning Certificate/Building Permit to construct their residence on Lot 2 A and to have a driveway thereto from 2nd Avenue across the land dedicated to public use by the defendant.